IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No. 22884 of 2004

Between:

Smt. Daravath Jamly and 33 others

..... PETITIONERS

AND

The District Collector, Ranga Reddy District

and 2 others

.....RESPONDENTS

ORDER:

The writ petition has been filed by the petitioners who are 34 in number, seeking direction to the respondents to consider their representations for allotment of land of 0.20 guntas each.

The facts of the case giving rise to filing of this writ petition be summarized, in brief, are as follows:

One R.S.A.Yella Rao was found to be holding excess land under A.P.Land Reforms (Ceiling Agricultural Holdings) Act, 1973. He surrendered certain lands including the lands bearing Sy.No.232 and 233 of Ravolkur village, Medchal Mandal, R.R.District towards excess holding. Primary Tribunal accepted the surrender of lands. Thereafter surrendered lands came to be assigned to the petitioners and others (20 guntas each). In the meanwhile an appeal being LRA.42/96 on the file of the Land Reforms Appellate Tribunal, Ranga Reddy and Medak District came to be filed by the agreement holders in respect of lands bearing Sy.Nos.232 and 233. The said appeal came to be allowed by the appellate Tribunal and consequently the assignment of lands granted in favour of the petitioners stood cancelled. Therefore, the petitioners approached this Court seeking direction to the respondents to provide alternative land in view of the cancellation of assignments granted in their favour on earlier occasion.

The respondents filed counter affidavit. One G.Mukunda Reddy has sworn the counter affidavit. It is stated in the counter affidavit that the request of the petitioners for allotment of alternative land cannot be considered, as the assignments were made during the pendency of LRA.No.42/96. I deem it appropriate to refer paras 5 to 7 of the counter affidavit and they are:

> ”That in view of the orders passed by the Land Reform Appellate Tribunal on 23.04.1998 in LRA.No.42/96 and as per the instructions received from the District Collector, Medak District, the assignment made to the petitioners 1 to 33 herein was cancelled and as such this office has not violated any conditions or rules as alleged by the petitioners herein. Hence, the facts represented by the petitioners herein are denied, as they are baseless.

In reply to paras 6 to 9, it is submitted that the District Collector, Medak addressed a letter to the Revenue Divisional Officer, Siddipet and copy marked to this office requesting to select alternate land keeping in view of the orders passed by the Land Reform Appellate Tribunal in LRA.No.42/1996, dated 23.04.1998, filing of revision against the said orders is ordered to be dropped. The purport of the said letter is only to delete the lands in Sy.Nos.232, 233, 234 from the surplus land for implementing the order in LRA.No.42/96, dated 23.04.1998.

Further, it is submitted that the request of the petitioners for allotment of alternate land cannot be considered, as the assignments were made during the pendency of LRA.No.42/96. The earlier W.P.No.21359 filed by the other assignees in same Sy.No.is dismissed by this Court on 24.11.2003. Another W.P.No.13473 of 2004 filed by the assignee in the same Sy.No.was also dismissed by this Court on 04.08.2004. Hence the writ petition is devoid of merits."

Heard the learned counsel appearing for the petitioners and the learned Government Pleader for Revenue appearing for the respondents.

The learned counsel for the petitioners submits that the assignments made in favour of the petitioners came to be cancelled consequent to the order of the appellate Tribunal passed in LRA.42/96. Hence the writ petitioners being landless poor persons are to be considered for allotment of alternative lands.

The learned Government Pleader appearing for the respondents submits that the cancellation of assignment is in pursuance of the implementation of the orders passed by the appellate Tribunal and therefore, cancellation of the assignments cannot be found fault.

It is no more in dispute that the after acceptance of surrender of lands, the Government assigned 0.20 guntas each to the petitioners and subsequently, appeal filed by the agreement holders questioning the surrender of the lands situated in Sy.No.232, 233 and 234 came to be allowed. Therefore, the action of the respondents in cancelling the assignments cannot be found fault. Indeed the similar question came up for consideration in W.P.No.21359 of 2003 and W.P.No.13473 of 2004, wherein it has been held that the assignees cannot question the cancellation of orders which came to be passed in pursuance of the orders passed by the appellate Tribunal constituted under A.P.Land Reforms (Ceiling on Agricultural Holdings) Act, 1973.

Sri Jalli Kanakaiah, learned counsel for the petitioners submits that direction may be issued to the respondents for consideration of representation of the

petitioners for allotment of alternative land. The question of allotment of alternative land depends upon various factors. If the petitioners come within the parameters fixed by the Government, the respondents can consider the representations of the petitioners for allotment of alternative land.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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B.SESHASAYANA REDDY,J

Dated: 04.08.2005

Dsr